during the period of construction and development. Maximum 18 months.

- (9) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.
- living place or dwelling for an infirm or sickly blood relative who is unable to care for himself due to sickness, age, or disability, on the same lot as the existing dwelling; or for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger and may be renewed by a Doctor Statement, accompanied with the health condition of the individuals or individual that are using this temporary use. This is to be directed to the Executive Director and Chairman of the Board of Zoning Appeals, this is to be done prior to the issue of a renewal permit of a Temporary Use. The filing fee may be waived after review of Director and Chairman Approval.
- (10) Portable signs, as defined in Sec. 80.38(B)(23), in the LB or GB Districts in accordance with the basic requirements herein and the provisions and standards of this section. Maximum 10 days.
- (1) Size: Shall not exceed thirty-two (32) square feet of sign area.
- (2) Height: Shall not exceed six (6) feet.
- (3) Location: In LB Local Business Districts and GB General Business Districts, and never closer than three (3) feet to a street right-of-way line or within vision clearance on corner lots.
- (4) Other Restrictions: Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with the provisions of Chapter 90. (Building Code). Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All attached to bolts embedded in ground.
- (11) Portable signs as defined in Sec. 80.38(B)(23), in residence districts in accordance with the basic requirements of paragraph (10) above, other than anchoring requirements, and also in accordance with the provision and standards of this section. Maximum of 10 days.
- (12) Temporary signs, which shall not exceed thirty-two (32) square feet of sign area,

in connection with a special event in a district, except temporary political signs or community activities signs in accordance with Sec. 80.38, other than construction announcement signs or Subdivision signs in accordance with Sec. 80.38. Maximum 10 days.

(13) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

(D) Standards.

- (1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise-producing devices shall be permitted in a residential district.
- (3) Any flood lights or other lighting shall be directly upon the premises and shall not be detrimental to adjacent properties.
- (4) No banners, pennants or unnecessary signs shall be permitted in a residential district.
- (5) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- (E) Special Events in the Metamora Historic Preservation Area in the HD Historic District.

Written permission for temporary outside booths or stands must be obtained from the Historic Board of Franklin County for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19.) Approval of the Board of Zoning Appeals or the issuance of Temporary Improvement Location Permits are not required for such uses, provided that such uses are promptly removed following the particular special event. (Am. Ord. 1989-6, passed Aug 7, 1989)

Section 80.36: HOME OCCUPATIONS

(A) Intent. A home occupation may be permitted as a temporary use to accompany residential uses by the grant of a Temporary

Improvement Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this section and Sec. 80.35.

(B) General Provisions.

- (1) A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.
- (2) Home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:
- (a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair.
- (b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring; provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession or occupation.
- (3) For purposes of this Code, law offices, real estate and insurance offices, clinics, doctors' offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations unless such home occupations meet the requirements of this section.
- (4) Home occupations shall be subject to all the regulations of the applicable district in which they are located.
- (5) Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

(C) Standards.

(1) The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit

- (2) The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.
- (3) No structural additions, enlargements, or exterior alterations changing the residential appearances to a business appearance shall be permitted.
- (4) No more than twenty-five percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
- (5) Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.
- (6) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- (7) No provision for more than one extra off-street parking or loading facility, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional drive-way to serve such home occupations shall be permitted, provided that a doctor's office (if allowed by the Board) may have additional parking facilities.
- (8) No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two (2) square feet in total surface area.
- (9) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- (10) No electrical or mechanical equipment shall interfere with local radio

communications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Sec. 80.06.

Section 80.37: OFF-STREET PARKING AND LOADING

(A) Intent.

- (1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 80.25, or elsewhere.
- (2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

(B) Scope.

- (1) No use lawfully established prior to the effective date of the time of passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, shall be required to provide and maintain the parking and loading requirements herein; provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
- (2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.
- (3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase

in intensity of use.

- (4) Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.
- (5) Accessory off-street parking or loading facilities in existence at the time of passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.
- (6) Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- (7) Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.
- (8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
- (9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.
- (10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, of patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any

- (9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow or water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.
- (10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.
- (11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 80.38(D)(4)(k).
- (12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.
- (13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.
- (14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.

(G) Loading Requirements.

(1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

Use <u>Description</u>	Floor Area in Square Feet	No. of Loading Spaces Required
Manufacturing, distribution,	5,000-25,000 25,000-60,000	1 2

wholesaling,	60,001-100,000	3
storage, and	Each 50,000 above	
similar uses.	100,000	1
Office Buildings,	5,000-60,000	1
hotels and motels,	60,000-100,000	2
retail sales, hos-	Each 100,000 above	2
pitals, institu-	100,000	1
tions, and similar use	es.	

(2) Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

Section 80-30. SIGNS 80,38

(A) Purpose and Intent.

It is the intent of this Section to provide clarification regarding regulations pertaining to signs and to assist those wishing to place signs in the County and participating towns by comprehensively setting forth provisions governing the installation and construction of signs and advertising devices in one location (insofar as is possible) in this Code. In addition, it is the purpose and intent of this chapter to:

- (1) Recognize the functions and importance of signs for the business sector and the County and participating towns as a whole:
- (2) Preserve and enhance the character and visual appearance of the Planning Area;
- (3) Recognize the integral part played by signs in the overall appearance of the Planning Area;
- (4) Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;
- (5) Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the Planning Area.

(B) Definitions.

For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Advertising Sign" or "Billboard." An off-site sign which directs attention to an object as described in the definition of "SIGN" below. However, such advertising sign shall not be associated with the primary use, business, activity, or service conducted on the premises.
- (2) Apartment/Multi-Family Dwelling Identification Signs: Signs identifying a multi-family dwelling complex by name and/or address.

- (3) Banners commercial; flags and pennants generally made of a flexible material, displayed for business promotion purposes.
- (4) Barber poles: Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.
- (5) Changeable Copy Signs: Signs designed to be used with removable graphics which will allow changing of copy.
- (6) Change of Copy: Changing of the face or letters on a sign. Change of a copy shall not constitute a change of use. Permits shall automatically be granted where not in conflict with this Code.
- (7) Community Activities Signs: Signs associated with a religious, charitable, cultural, civic or educational organization.
- (8) ConstructionAnnouncementSigns: signs placed on property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the possible future tenants.
- (9) Directory Signs: A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business center.
- (10) "Free-Standing Sign." Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.
- (11) Free Standing Business Center Identification Signs: Free standing signs which identify a business center, and not the individual businesses located therein.
- (12) Free Standing Individual Business Identification Signs: Free standing signs which identify a building, business, professional center or industry not located within a business center.
- (13) Gasoline Price Signs: On premise signs identifying the brand and/or type and price of

gasoline sold.

- (14) Governmental or Other Signs Required by Law: Signs placed in any part of the Planning Area by a governmental entity or private individual or business as required by Federal, State or Local law.
- (15) Illuminated Signs: Signs or individual letters in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.
- (16) "Incidental Sign." A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.
- (17) Institutional Signs: Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.
- (18) Manager or Office of Manager Signs: Signs which identify the location of the manager or the office of the manager of property.
- (19) Off Premise Signs: Signs identifying a business activity, property or product at some location other than where the sign is displayed.
- (20) On Building Identification Signs: Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof conducted on the premises.
- (21) Parking Lot Signs: Signs placed or displayed in parking lots to supply information to people using such lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.
- (22) Placed or Displayed: Means erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.
- (23) Portable Sign: Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place.
 - (24) Projecting Signs: A sign

characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of a building.

- (25) Real Estate Signs for Property of Less Than One Acre: Signs offering developed or undeveloped real property of less than one (1) acre of land for sale, lease or rent.
- (26) Real Estate Signs for Property of One Acre or Larger: Signs offering developed or undeveloped property of one (1) acre or more for sale, lease or rent.
- (27) Roof Line: A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.
- (28) Sign: A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, frame, background, structure and support anchorage thereof. This definition shall not apply to the official flag, emblem or insignia of the government or religious group or agency.
- (29) Sign Area: The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (30) Sing Facing: The surface of the sign on, against, or through which the message of the sign is exhibited.
- (31) Height: Generally refers to free standing signs. The distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.
- (32) Sign Program: A coordinated design plan of one or more signs for an individual business establishment or a business center.
- (33) Sign Structure: The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.
- (34) Subdivision and Subdivision Model Home Signs: Signs identifying Subdivision developments or model homes in a subdivision or

land development project.

- (35) Time and Temperature Signs: Signs displaying the time or the temperature, or both.
- (36) Under Canopy Signs: Signs suspended no lower than eight (8) feet above the public right-of-way or above a walkway that is used by the public, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.
- (37) Window Signs: Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs is not to exceed 50% of the window area.

(C) General Limitations.

The following general limitations shall apply:

- (1) Provisions of this Section regulating the location, placement, gross surface area, projection, sign height limitation, construction, and number of signs shall be subject to further restrictions by the applicable provisions of this Code.
- (2) Projects or buildings containing more than one store shall have an overall planned sign program.
- (3) As a general rule, there shall be no more than three colors used on a sign and all signs advertising one business or use shall utilize the same colors. The background color, black and white are all considered colors.
- (4) Low profile, ground mounted signs less than eight (8) feet high are encouraged.
- (5) The name of the business shall be the dominant message on the sign.
- (6) Registered or copyrighted logos or trademarks shall be allowed with a maximum of four (4) colors.
- apply in all business and industrial zones: Not more than three (3) signs as defined herein, provided that the total sign area for all allowable signs, for each site or occupancy, shall not exceed two (2) square feet of sign area for each lineal foot of street or occupancy frontage, provided further; that in no case shall the allowable sign area for each site or occupancy exceed 300 square feet. See (8) and (9), below, for limitations on Advertising Signs or Billboards and Portable Signs.
- (8) The various limitations on Advertising Signs or Billboards are set forth in Subsection (D) (4) (a).
 - (9) The various limitations on

Portable Signs are set forth in subsection (D) (4) (1).

(D) Sign Specifications:

(1) <u>Signs allowed without permit in all</u> Districts or Zones.

The following signs may be placed in all Districts or zones of the Planning Area without a permit, subject to the restrictions and limitations contained in this Section and as contained in subsection (C), herein.

(a) Community Activity Signs: Community activity signs are allowed in business and industrial Districts or zones. Such signs are allowed in residential zones only if located on the site of the activity and a permit is issued. Additionally, off-premises signs of a temporary nature that are displayed out of doors require that a permit be issued, except where conforming existing sign of another type allow a community activity sign to temporarily replace their sign message. Community activity signs are generally associated with religious, charitable, cultural, civic or educational organizations.

(1) Size: Shall not exceed twelve (12) square feet of the sign area.

- (2) Location: Not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property line in business and industrial zones.
- (3) Other Restrictions: Shall be temporary signs permitted for a period of fourteen (14) days prior to the date of the activity and five (5) days following the activity. Shall be non-illuminated signs and shall identify the organization and shall be at a level consistent with adequate identification and readability without causing excessive complaints from neighboring property owners.
- (b) Governmental or Other Signs Required by Law:

(1) Size: As required by

law.

by law and not to exceed the height of free standing sign allowance.

(3) Location: As

required by law.

(4) Other Restrictions: Shall be non-illuminated unless required by law.

(c) Political Signs: Shall be permitted on each lot for a period of sixty (60) days prior to a primary or general election (including special elections), and ten (10) days following a

general or special election. Political signs shall not exceed sixteen (16) square feet in aggregate area. Political signs are prohibited on public property or public right-of-way.

(d) Real Estate Signs for Property of Less Than One Acre: Signs offering developed or undeveloped property of less than one (1) acre for sale, lease or rent.

(1) Size: Shall not exceed twelve (12) square feet in sign area. In the event that the sign refers to a single family home, then the size of the sign shall not exceed six (6) square feet in area.

(2) Height: Shall not exceed six (6) feet in height if free standing.

(3) Location: Not less than five (5) feet inside the property lines in residential zones, and not less than (1) foot inside the property lines in business and industrial zones.

(4) Other Restrictions: Shall not be illuminated. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.

(e) Owner-Occupied Sign: One residential name sign not to exceed one (1) square foot in sign area for each sign face identifying only the owner or occupant of a residential building. The maximum aggregate sign area shall be two (2) square feet.

(f) Home Occupation Sign: One (1) non-illuminated identification sign, not to exceed two (2) square feet of sign area for each sign face for the following permitted uses: offices in residences, home occupations, and board-lodging houses. The maximum aggregate sign area shall be two (2) square feet.

(g) Manager or Office of Manager Signs: Signs which identify the location of the manager or the location of the manager of the property.

(1) Location: In all zones of the City, not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property lines in business and industrial zones. Four square feet in area, each side, allowed.

(h) Window Signs: Window signs with less than fifty (50) percent coverage. Signs placed or displayed on a window or window frame, covering less than fifty (50) percent of the window area announcing special sales, change of management, or similar information and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots.

1) Height: Not

applicable.

(2) Location: Not

applicable.

- (3) Other Restrictions: Shall be "temporary" signs. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs.
- (i) Changeable Copy Signs (Moveable): Signs of this nature are typically 22" x 28" in size with replaceable copy poster. Such signs may be displayed within four feet of the primary access door of a business. Such signs shall be pedestal mounted and shall not interfere with pedestrian traffic or cause a nuisance or hazard.

(1) Size: Signs shall be 22" x 28" plus the sign frame.

(2) Height: Sign holders or frames must be between 4'6" and 5' in height. The base of the sign shall be of the pedestal style customarily used in retail trade.

(3) Location: Limited to

Business Zones.

(4) Other Restrictions: Shall be free standing and taken inside at the close of the business day. Signs may not be made of iridescent or phosphorescent colors or be illuminated. The frame shall be black, brown, gold or silver in color. One sign may be allowed per business, which sign shall not count as part of the total signage per subsection (C) (7).

(2) <u>Signs allowed by permit in all</u>

The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (E):

- (a) Construction Announcement Signs: Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the future tenant(s).
- (1) Size: Shall not exceed twenty (20) square feet in sign area on a parcel of land less than one (1) acre. Not to exceed thirty-two (32) square feet in sign area on a parcel of land of one (1) acre or more.
- (2) Height: Shall not exceed six (6) feet on a parcel of land less than one (1) acre. Shall not exceed eight (8) feet on a parcel

of land of one (1) acre or more.

- (3) Location: Not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property line in business and industrial zones.
- (4) Other Restrictions: Shall be non-illuminated signs. Shall be removed within seven (7) days after issuance of Certificate of Occupancy. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.
- (b) Institutional Signs: Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility.
- (1) Size: The aggregate size of all signs pursuant to this Section shall not exceed twenty-four (24) square feet in sign area.
- (2) Height: Shall not exceed five (5) feet, if free standing.
- (3) Location: Not less than five (5) feet inside the property line in residential zones.
- (4) Other Restrictions: Only one (1) such sign may be displayed for each street frontage.
- (c) Real Estate Signs for Property of One Acre or More: Signs offering developed or undeveloped property including subdivision development signs of one (1) acre or more for sale, lease or rent.
- (1) Size: Shall not exceed thirty-two (32) square feet in sign area. In the event that a sign does not exceed twelve (12) square feet in sign area, a sign permit shall not be required, and the provisions of subsection (D) (1) (d) shall be applicable.
- (2) Height: Shall not exceed eight (8) feet, if free standing.
- (3) Location: Not less than five feet inside the property line in residential zones, and not less than one (1) foot inside the property line in commercial and industrial areas.
 - (4) Other Restrictions:

(a) Shall not be

illuminated signs.

- (b) Only one such sign may be displayed per street frontage of the property to which it refers.
- (c) Shall be removed no later than immediately after sale or development is completed.

(3) <u>Signs Allowed by Permit in All</u> <u>Residential Zones.</u>

The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (F):

(a) Apartment/Multi-Family Dwelling Identification Signs: Identifying an apartment or multi-family dwelling or an apartment or multi-family complex by name and/or address.

(1) Size: Shall not exceed twenty-four (24) square feet in sign area.

(2) Height: Shall not be more than five (5) feet in height.

(3) Location: Not less than five (5) feet inside the property line.

Only one (1) such sign may be displayed on each street frontage. If illuminated, must be subdued.

(b) Subdivision Signs: Signs identifying a Subdivision or Unit Development Plan.
(1) Size: Shall not

exceed fifteen (15) square feet in sign area.

(2) Height: Shall not exceed six (6) feet in height.

(3) Other Restrictions: May be displayed at street entrance to Subdivision. Not more than two (2) such non-illuminated signs may be displayed at each entrance if they are an integrated part of an entrance or boundary wall; otherwise, only one (1) such sign at each entrance.

(c) Subdivision Model Home Signs: Signs identifying a Model Home.

(1) Size: Shall not exceed six (6) square feet in sign area.

(2) Height: Shall not exceed six (6) feet in height.

(3) Other Restrictions: May be displayed only on the premises of the Model Home which it identifies. Only one (1) such sign may be displayed per Model Home.

(4) <u>Signs Allowed by Permit in</u> <u>Business and Industrial Zones</u>:

The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (F):

(a) Advertising Signs or

Billboards:

(1) It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of advertising signs or billboards in highway oriented business locations. Advertising

requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interests of the community.

(2) For purposes of this division an advertising sign shall be construed in accordance with the definition and subject to the provisions of this section.

shall be permitted on any lot of at least 300 feet of frontage on a street designated as a primary arterial in the "PB" and "GB" Districts, and one additional advertising sign shall be permitted for each 300 feet of additional frontage.

(4) Minimum setback lines shall be provided in accordance with the requirements of the applicable district, or 50 feet, whichever is greater.

shall be permitted within 100 feet of a residential zone district unless the sign is provided with landscape screening.

(6) The number of traffic access points shall not exceed one for each such sign frontage.

(7) The face of an advertising sign shall not be greater than 18 feet in vertical dimension nor greater than 18 feet in vertical dimension nor greater than 55 feet in horizontal dimension, except as provided in (9) below and shall not contain more than two (2) advertising signs per facing.

(8) The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. However:

(a) In the case of a sign parallel (or within 20 degrees of parallel) to a one-way street, the required viewing distance shall be at least 400 feet;

(b) In the case of a sign which is from 3 to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;

(c) In the case of a sign parallel (or within 3 degrees of parallel) to a two-way street, the required viewing distance shall be at least 250 feet in each direction.

(d) In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.

- (9) The vertical dimension of the sign face may be increased to 22 feet provided the required viewing distance in (8) above is increased to 500 feet and the facing contains only one sign, and the sign is perpendicular or within 15 degrees of being perpendicular to the frontage street.
- (10) The maximum height of advertising signs erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.
- (b) Barber Poles: Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

(1) Size: Shall not exceed two and one-half (2-1/2) feet in length.

(2) Height: Not

applicable.

(3) Location: In all

business zones.

- (4) Other Restrictions: Shall be attached by brackets to the barber shop being identified. Top of sign shall not extend above the roof line of the barber shop being identified. Such signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in subsection (E). Also, such signs if illuminated, must be subdued.
- (c) Changeable Copy Signs (Permanent): Exterior signs or sections, that are fixed in place, and designated to be used with removable graphics to allow changing of copy.

Such signs shall be allowed for facilities used primarily for the presentation of theatrical, cultural or sports events and shall be computed as part of the total sign area allowed.

- (1) Size, Height, Location and Other Restrictions. Applicable under the appropriate subsection, depending upon the type of sign utilized.
- (d) Commercial Banners Commercial; flags, pennants: Banners, flags and pennants generally made of flexible material, displayed for business promotion purposes.

(1) Size: Banners are not to exceed thirty (30) square feet.

(2) Height: Not to extend above the roof of the building.

(3) Location: In all business and/or industrial zones.

(4) Other Restrictions: Shall be temporary signs. Shall be non-illuminated signs. Not more than four (4) permits for signs pursuant to this subsection shall be issued to any one (1) business entity in any one (1) calendar year. Length of time to be specified in the permit application. See Secs. 80.33(A)(6) and 80.35(D)(4) for additional restrictions and procedure for pennants and other similar attracting or advertising devices.

- (e) Directory Signs: A sign, or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business complex. Directory signs may be part of a free standing sign or may be placed separately on a building. For conditions regarding free standing signs see subsection (D)(4)(f).
- (1) Size: When placed on a building, signs shall not exceed six (6) square feet in sign area for any one business so identified. This section refers only to those signs that are to be placed upon an exterior wall or facade of the building. The total area of occupancy signs shall be limited to ten percent of the facade of the building and shall not exceed forty (40) square feet in area.

(2) Height: When mounted on a building, shall not extend above the roof line of the building on which the sign display is placed.

(3) Location: In all business and industrial zones.

Other Restrictions: (4) Director or occupancy signs may be combined with a free standing sign. When combined with a free standing sign, the combination shall be counted as part of the allowable sign area. For double-faced signs, that are free standing, the double-faced sign may not exceed twenty-four (24) inches in thickness. As with free standing signs, they shall be required to be placed in a landscaped area no less than seventy (70) square feet in size. They should be monument base style signs. When it is not possible or feasible to use a monument base style sign, then pole signs may be used as long as they do not exceed eight (8) feet in height. The design, materials and color of the structure supporting a free standing sign or business directory or combination thereof, shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials allowed are wood, masonry, stucco over wood or steel frame, and pre-cast concrete.

(f) Free Standing Business Center Identification Signs: Free standing signs which identify a business center. These may be a combination of business center identification sign as well as occupancy signs. These may be double-

faced signs. They shall be maintained in a landscaped area surrounding the base of the sign not less than seventy (70) square feet in area. In the event it is not possible or feasible to provide the minimum landscaped area, then a pole sign may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and precast concrete. The design, color and materials shall be similar to the structure or structures being identified.

- (1) Size and Height: Height shall be limited to eight (8) feet. The total sign area may not exceed 120 square feet (including both sides of a sign). Free standing signs may be combined with directory signs.
- (2) Location: In all business and industrial zones, not less than one (1) foot inside the property line.
- (3) Other Restrictions: See Directory Signs Other Restrictions. Only one such sign may be displayed in each business center, or at each business existing on an individual legal parcel of land. In the event that a business center being identified by one (1) sign consists of three (3) or fewer individual businesses, then each business may be identified on the free standing sign. Such signs shall be encouraged as a means of reducing the need for additional signage on the face of the buildings.
- (g) Free Standing Individual Business Signs: Free standing signs which identify a building, business, profession or industry not associated with a business center.
- (1) Size and Height: See "Free Standing Signs" above.
- (2) Location: In all business and industrial zones, not less than one (1) foot inside the property line.
- (3) Other Restrictions: No more than one (1) such sign may be displayed on a legal parcel or lot. However, in the event that such parcel on which the individual business is located has two (2) or more street frontages, each of which has two hundred (200) feet or more, an additional sign shall be allowed for each such frontage. See also, "Directory Signs Other Restrictions."
- (h) Gasoline Price Signs: On premise signs identifying the brand and/or type and price of gasoline sold.
- (1) Size: Governed by State law, however, the City recommends that these not exceed twelve (12) square feet in sign area unless dictated by law.

(2) Height: Eight (8)

feet.

- (3) Location: In all business and industrial zones.
- (4) Other Restrictions: Such signs shall be mounted as specified by law and shall be mounted in such a fashion that they are in a unified sign display.
- (i) Off-Premises Signs: Signs identifying a business activity, property, or product at some location other than where the sign is displayed.
- (1) Size: Shall not exceed twelve (12) square feet in sign area for a sign mounted flat on a building, or twenty-five (25) square feet for a free standing sign.
- (2) Height: Shall not exceed eight (8) feet if free standing.
- (3) Location: In all business and industrial zones.
- (4) Other Restrictions: Such signs may only identify a building, business, profession, or industry not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. Only one such sign should be displayed for each building, business, profession or industry. See also, "Directory Signs Other Restrictions."
- (j) On-Building Identification Signs: Permanent signs mounted flat on a building which identify a building and/or which identify one or more businesses, professions, or industries conducted on the premises. Such signs shall be allowed as long as no more than three (3) signs for identification purposes are provided for any business, profession, or industry. For further definition, see subsection (D) (4) (e).
- (1) Size: Shall be computed as part of the allowable one hundred twenty (120) square feet of signage.
- (2) Height: Shall not exceed above the roof of the same building upon which the sign is placed or displayed.
- (3) Location: In all business or industrial zones.
- (4) Other Restrictions: Only one (1) on building identification sign shall be displayed per side of a commercial or industrial building with no more than four (4) such signs per building. In no event shall such signs face onto a residential area. The Executive Director may issue a temporary permit, not to exceed ninety (90) days, for provision of temporary signs until such time as permanent signs can be installed on buildings. Such temporary signs shall be governed by all of the rules

and regulations specified in this Section.

(k) Parking Lot Signs: Signs placed or displayed in parking lots to supply information to people using such lots, including such information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Handicap parking provision signs are also covered under this subsection. Such signs are not intended to be advertising signs.

(1) Size: Shall not exceed four (4) square feet in area.

(2) Height: Shall not exceed eight (8) feet, unless there are extenuating circumstances requiring identification of handicapped stall locations, as a result of changes in topography, or ground level, that do not permit handicapped persons access to visibility of such signs upon entry to parking lot areas.

(3) Location: In all business and industrial zones, or on public use sites located in residential zones.

(4) Other Restrictions:

Not applicable.

(l) Portable Signs: A temporary sign designed to be moved from place to place - not permanently affixed to a building, structure, or the ground.

(1) Size: Shall not exceed thirty-two (32) square feet of sign area.

(2) Height: Shall not

exceed six (6) feet.

(3) Location: In "LB" Local Business Districts and "GB" General Business Districts, and never closer than three (3) feet to a street right-of-way line.

Other Restrictions: Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with Chapter 90 (Building Code). Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All portable signs shall be anchored with chains, attached to bolts embedded in the ground. The time period for the sign shall not exceed thirty (30) days and the time period shall be noted on the application for the permit. (See Sec. 80.35(C)(10) for locating Portable signs in business districts and Sec. 80.35(C)(11) for locating Portable signs in residence districts.)

(m) Projecting Signs: A sign characterized by its attachment at an angle to the

face of the building as opposed to being mounted flat on the surface of a building.

(1) Size: The area of such signs shall be in accordance with subsection (D) (4) (i). Such signs shall be counted as part of the total sign allowance on a particular site. Such signs shall be discouraged where it is possible to provide adequate signage flat against a building and below the roof line of a building. In no event shall such signs extend above the roof line of a building.

(2) Height: Shall not exceed the height of the building as measured to the top of roof or mansard.

(3) Location: In all business and industrial zones.

(4) Other Restrictions: Notwithstanding any other provisions of this Section, a permit for a projecting sign shall not be issued unless such sign has been approved by the Building Inspector and in conformance with the Building Code.

(n) Time and Temperature Signs: Signs displaying the time or the temperature, or both.

(1) Size: Shall not exceed eight (8) square feet if free standing.

(2) Location: In all business and industrial zones.

(3) Other Restrictions: If mounted on building, the top of such sign shall not extend above the roof line of the building on which it is displayed. The sign area shall be computed as part of the total signage allowance for each business, profession, or industry being identified.

(o) Under Canopy Signs: Signs suspended no lower than eight (8) feet above a walkway, under a canopy of a building, which identifies a business, profession, or industry conducted on the premises. Shall be computed as part of the total allowable sign area.

(1) Size: Shall not exceed four (4) square feet in sign area per face.

(2) Height: Such sign shall extend no lower than eight (8) feet above the area over which it is suspended.

(3) Location: In all business and industrial zones.

(4) Other Restrictions: Such signs shall identify only a building, business, profession, or industry. Only one (1) such sign shall be displayed per entrance.

(E) Signs Prohibited in all Zones.

(1) Bus Bench Signs: Signs located

on benches or other similar structures provided for the use of passengers along the route of a bus are prohibited.

- (2) Flashing Signs: Signs containing lights which flash, blink or which give the appearance of the same are prohibited, except for Time and Temperature Signs as allowed by subsection (D)(4)(n).
- (3) Moving or Rotating Signs: Signs designed to move or rotate in whole or in part are prohibited, except for Barber Poles as allowed in Sec. (D)(4)(b).
- (4) Off Premises Advertising Signs: Signs used to advertise the availability of goods, property or services at locations other than the premises on which the sign is located are prohibited, except for Advertising Signs or Billboards as allowed by subsection (D)(4)(a) and Subdivisional Directional Signs, and Off-Premise Signs as allowed by subsection (D)(4)(i).
- (5) Portable Signs: Sandwich board "A" frame signs are prohibited, either on the ground or carried by a person.
- (6) Roof Signs: Signs which project above the roof line of the building are prohibited.
- (7) Signs Interfering with Traffic Safety: Signs adversely affecting vehicular traffic and pedestrian safety are prohibited.
- (8) Vehicle Signs: Signs placed or displayed on vehicles parked primarily for the purpose of displaying the sign are prohibited, except for such signs as required or permitted by law.
- (9) Obsolete Signs: Signs no longer identifying a business, profession, or industry that they were intending to identify. Such signs shall be removed within 90 days following the dissolution of a business, professional office, or industrial activity.

(F) Permit Procedures.

All signs identified by this chapter as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Plan Commission.

- (1) Criteria for all Signs Requiring a Permit: A permit application for a sign otherwise in compliance with this Section shall be approved if said sign complies with the following criteria:
- (a) The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, of the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided above.
- (b) Illumination of signs, where not specifically prohibited by this chapter, should be

at a level consistent with adequate identification and readability.

- (c) Signs requiring approval of the Board of Zoning Appeals for Special Exceptions in Sec. 80.25 or Temporary Uses set forth in Subsection (C)(10)(11) and (12) of Sec. 80.35 must first receive the Board's approval.
- (d) Appropriate fees have been paid.
 - (2) Permit Application Procedure:
- (a) When a Sign Permit is Required: Applicants are required to apply for permits prior to undertaking any construction.
- (b) Sign Program: Only one sign permit shall be required for each sign program. Applicants shall be encouraged to provide a sign program as opposed to obtaining single permits for groups of businesses, professional offices, or industrial complexes.
- (c) Application: Application shall be made on an application form provided by the Executive Director.
- (3) Sign Permit Application and Fees: Before a sign permit application is approved, the applicant must submit information to the Executive Director, as specified in the permit procedures required under subsection (F) (1) and post required fees.
- (4) Duration of Permit: All permits are good for the life of the sign except for permits for those signs which are expressly specified as temporary signs pursuant to this Section.
- (5) Nullity of Permit: A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within twelve (12) months of issuance of said permit.

(G) Revocation of Permit.

After notice and public hearing, any sign permit granted in accordance with the provisions of this Section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property or services no longer available, or is constructed, installed or maintained in a manner that is not in accordance with the approved application.

Section 80.39: PARKING AND STORAGE OF CERTAIN VEHICLES

(A) <u>Automotive vehicles</u>. Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to

that no part of any such vehicle shall project beyond the front or side setback lines of the lot.

- (c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on a residential property at any one time; provided, however, that one additional such vehicle may be permitted for visitation for not more than seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 80.35.
- (d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
- (e) Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period. (See Sec. 80.27(J)(1).)
- (14) Storage of a centinually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.
- (15) Satellite (earth) television antennas in accordance with the following standards:
- (a) There shall be one satellite television antenna permitted per residential lot.
- (b) In all districts, a satellite television receiving antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.
- (c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.
- (d) The satellite television antenna shall be screened from view by a fence or natural plants and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Executive Director, the antenna can be adequately screened from view.

(e) No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate. (Am. Ord. 1989-6, passed 7, Aug. 1989)

Section 80.35: TEMPORARY USES

(A) <u>Intent</u>. Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals in accordance with the requirements of this section, except where otherwise noted.

(B) General Provisions.

- (1) The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.
- (2) Temporary uses shall be subject to all the regulations of the applicable district.

(C) <u>Uses Which May Be Permitted By the Board.</u>

- (1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum 18 months.
- (2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 18 months.
- (3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 18 months.
- (4) Parking lot designated for a special event in a district. Maximum 30 days.
- (5) Bazaar, carnivals, and similar temporary uses. Maximum 10 days.
- (6) Sale of Christmas trees, outdoor tent theatre, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum 60 days.
- (7) Parking of recreational vehicles for visitation. Maximum 7 days.
 - (8) Mobile home as a temporary office

during the period of construction and development.

Maximum 18 months.

- (9) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.
- (9 1/2) Mobile home as a temporary living place or dwelling for an infirm or sickly blood relative who is unable to care for himself due to sickness, age, or disability, on the same lot as the existing dwelling; or for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger and may be renewed by a Doctor Statement, accompanied with the health condition of the individuals or individual that are using this temporary use. This is to be directed to the Executive Director and Chairman of the Board of Zoning Appeals, this is to be done prior to the issue of a renewal permit of a Temporary Use. The filing fee may be waived after review of Director and Chairman Approval.
- (10) Portable signs, as defined in Sec. 80.38(B)(23), in the LB or GB Districts in accordance with the basic requirements herein and the provisions and standards of this section. Maximum 10 days.
- (1) Size: Shall not exceed thirty-two (32) square feet of sign area.
- (2) Height: Shall not exceed six (6) feet.
- (3) Location: In LB Local Business Districts and GB General Business Districts, and never closer than three (3) feet to a street right-of-way line or within vision clearance on corner lots.
- (4) Other Restrictions: Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with the provisions of Chapter 90. (Building Code). Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All attached to bolts embedded in ground.
- (11) Portable signs as defined in Sec. 80.38(B)(23), in residence districts in accordance with the basic requirements of paragraph (10) above, other than anchoring requirements, and also in accordance with the provision and standards of this section. Maximum of 10 days.
- (12) Temporary signs, which shall not exceed thirty-two (32) square feet of sign area,

in connection with a special event in a district, except temporary political signs or community activities signs in accordance with Sec. 80.38, other than construction announcement signs or Subdivision signs in accordance with Sec. 80.38. Maximum 10 days.

(13) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

(D) Standards.

- (1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise-producing devices shall be permitted in a residential district.
- (3) Any flood lights or other lighting shall be directly upon the premises and shall not be detrimental to adjacent properties.
- (4) No banners, pennants or unnecessary signs shall be permitted in a residential district.
- (5) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- (E) Special Events in the Metamora Historic Preservation Area in the HD Historic District.

Written permission for temporary outside booths or stands must be obtained from the Historic Board of Franklin County for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19.) Approval of the Board of Zoning Appeals or the issuance of Temporary Improvement Location Permits are not required for such uses, provided that such uses are promptly removed following the particular special event. (Am. Ord. 1989-6, passed Aug 7, 1989)

Section 80.36: HOME OCCUPATIONS

(A) <u>Intent</u>. A home occupation may be permitted as a temporary use to accompany residential uses by the grant of a Temporary